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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,155	08/22/2003	Patti F. Echtenkamp	P1926US00	9588
24333	7590	09/22/2005	EXAMINER	
GATEWAY, INC. ATTN: SCOTT CHARLES RICHARDSON 610 GATEWAY DRIVE MAIL DROP Y-04 N. SIOUX CITY, SD 57049			BEHNCKE, CHRISTINE M	
		ART UNIT		PAPER NUMBER
		3661		
DATE MAILED: 09/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/646,155	ECHTENKAMP, PATTI F.	
Examiner	Art Unit		
Christine M. Behncke	3661		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 22 August 2003.  
2a)  This action is FINAL.                  2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 1-44 is/are pending in the application.  
    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-44 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## **Application Papers**

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 8/22/2003 is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
· Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
    1. Certified copies of the priority documents have been received.  
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/22/2003.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

1. This office action is in response to the Application filed 22 August 2003, in which claims 1-44 were presented for examination.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yassan, US Patent No. 6,008,723, in view of Obradovich, US Patent No. 6,449,535.

3. (**Claims 1 and 23**) Yassan discloses a system and a method for customizing an audio message within a vehicle comprising: a computing device disposed within a vehicle (control unit 20), a user interface in communication with said computing device (occupant interactive button pad 38), said user interface comprising a menu (Column 5, lines 24-27, lines 32-35, options of Voice Message System (VMS): active replay mode, passive replay mode, or planned passive mode are set by actuator or command), wherein a user makes selections comprising audio messages from the menu using the user interface (occupant activates VMS recording and selects desired mode, figures 2-4), a memory storage device in communication with said computing device for storing at

least one of said selections from said menu (control unit 20 may contain a digital memory back to store message signal and selected mode, Column 5, lines 40-47), and a means for enabling the execution of a message selected by a user upon the occurrence and detection of a triggering event (control module 20 incorporates an electric calendar, wherein the message is executed at a particular time; ignition switch signal sent to unit 20 for active replay mode; Airbag diagnostic switch sent to unit 20 for passive replay mode).

Yassan suggests different locations of the access inputs and the combination of the system with a normal vehicle audio system. Yassan does not explicitly disclose a display in communication with the computing device. However, Obradovich et al. teaches a display (figure 2, element 102a) in communication with a computing device (processor 105) wherein the display is used to present the options of the system to the user in an organized way (Abstract). Obradovich et al. further teaches wherein the options can be presented to the user using different media such as text and graphic, with the display, and audio, similarly to Yassan. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system and of Yassan with the teachings of Obradovich et al. because as Obradovich et al. suggests, the inclusion of a display allows the information of the system to be "readily available literally at the fingertips of the user" and in view of Yassan would offer a redundant media to further clarify system information.

4. **(Claims 4 and 26)** Yassan further discloses wherein said memory storage device is an internal memory storage device (Column 5, lines 40-47, a digital memory bank in control unit 20).

***Claim Rejections - 35 USC § 103***

5. Claims 1-11, 13, 17, 23-33, 35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iggulden et al., US Patent No. 6,882,712, in view of Zwern, US Patent No. 5,245,694.

6. **(Claims 1 and 23)** Iggulden et al. discloses a system and method for customizing preferences and other programmable parameters of an appliance, including vehicles, comprising: a computing device disposed within a vehicle (figure 13, microcontroller 208, Column 7, lines 46-52), a user interface in communication with said computing device (Column 8, lines 64-66), a display in communication with said computing device (user interface display & buttons 214, and figure 14) and said user interface comprising a menu (menu of adjustable/programmable features of the appliance, Column 5, lines 17-20, Column 8, lines 52-61, and line 64- Column 9, line 10), a memory storage device in communication with said computing device for storing at least one of said selections from said menu (memories 210 and 212, figure 13 and the transfer device 16: Column 9, lines 43-49 and Column 13, lines 37-40). Iggulden et al. discloses a general system and method of customizing an appliance and does not explicitly disclose wherein the customization of the appliance is the selection of audio messages. However, Zwern teaches a user-programmable and customizable security

system wherein a user makes selections comprising audio messages using the user interface (element 48, Column 5, lines 33-47) and a means for enabling the execution of a message selected by a user upon the occurrence and detection of a triggering event (Column 6, lines 21-27). Although Zwern suggests that the security system disclosed does not require external recording or programming, in view of the disclosure of Iggyulden et al. it would have been obvious to one of ordinary skill in the electronic art to transfer/store audio files to the system as well as record/store files.

7.     **(Claims 11 and 33)** Zwern further discloses wherein said audio messages correspond to a condition of said vehicle (Column 9, lines 48-58).
8.     **(Claims 13 and 35)** Zwern further discloses wherein at least one of said audio messages informs the user that a door is ajar within said vehicle (Column 9, lines 48-58).
9.     **(Claims 17 and 39)** Zwern further discloses wherein at least one of said audio messages informs the user of a condition external of the vehicle (Column 9, lines 48-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Iggyulden et al. with the teachings of Zwern because as Zwern suggests, allowing a user to record or, with the suggested teachings of Iggyulden et al., transfer and program a security system to play audio messages at a user's selection, for instance the message announced in the user's preferred language (Zwern: Column 1, lines 41-45). Further, Zwern teaches the benefits of a user customizable security system to include: allowing the user to differentiate the user's own

alarm from others; broadening the user's choice of security features by allowing customizations to take place post-installation and without additional and expensive programming at the factory; and allowing the security system to unambiguously specify the vehicle condition (Column 2, lines 21-37).

10. **(Claims 2 and 24)** Iggulden et al. further discloses wherein said memory device is a portable memory storage device (transfer device 16: Column 9, lines 43-49 and Column 13, lines 37-40).

11. **(Claims 3 and 25)** Iggulden et al. further discloses wherein said portable memory device storage device comprises a portable memory storage card (transfer device 16: Column 9, lines 43-49 and Column 13, lines 37-40).

12. **(Claims 4 and 26)** Iggulden et al. further discloses wherein said memory storage device is an internal memory storage device (memories 210 and 212, figure 13).

13. **(Claims 5 and 27)** Iggulden et al. further discloses wherein the system and method comprising a means for accessing a remote network to provide said menu (interactive site server 14, figures 5 and 6, Column 9, lines 12-49), wherein such a user selects one or more of said selections from said menu via said user interface (Column 5, lines 10-20).

14. **(Claims 6 and 29)** Iggulden et al. further discloses wherein said means for accessing a remote network comprises a means for accessing a website of the manufacturer of the vehicle via an internet service provider to provide said menu (Column 6, lines 8-16).

15. **(Claims 7 and 28)** Iggulden et al. further discloses wherein said memory storage device is located on said remote network (Column 6, lines 16-24 and lines 38-43, the user can store the features programmed by the serial number of the appliance on the server).
16. **(Claim 8)** Iggulden et al. further discloses wherein said memory storage device is a portable memory storage device (Column 9, lines 43-49 and Column 13, lines 37-40).
17. **(Claims 9, 30 and 31)** Iggulden et al. further discloses wherein said portable memory storage device comprises a portable memory storage card (Column 9, lines 43-49 and Column 13, lines 37-40).
18. **(Claims 10 and 32)** Iggulden et al. further discloses wherein said memory storage device is an internal memory storage device (memories 210 and 212, figure 13).

***Claim Rejections - 35 USC § 103***

19. Claims 12, 14-16, 18-21, 34, 36-38, 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iggulden et al. in view of Zwern as applied to claim 11 above, and further in view of Obradovich et al., US Patent No. 6,449,535.
20. **(Claims 12, 14-16, 18, 34, 36-38 and 40)** Iggulden et al. in view of Zwern discloses the system and method previously discussed including the audio message concerning the condition of the vehicle, but neither reference teaches wherein a message indicates a vehicle light is activated, a need for oil, a need to check tires or the battery, and the outside temperature. However, Obradovich et al. teaches an audio

message is used to inform the user that a vehicle light is activated (Column 8, lines 13-16 and Column 15, lines 44-53) and audio indicators for vehicle condition parameters such as tire pressure, battery condition, oil pressure, and outside temperatures (Column 6, lines 48-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system and method of Iggylden et al. in view of Zwern in further view of the teachings of Obradovich et al. because as Obradovich et al. teaches the audio messages of warnings and information of interest increases driver safety by decreasing the time the driver spends looking away from the road and at the respective console (Column 3, lines 48-54). It would have been further obvious to combine the teachings of Obradovich with the system and method of Iggylden et al. in view of Zwern because as Zwern teaches, the system would allow the user to customize and then differentiate and quickly identify the audio alarms/indicator of vehicle's different features.

21. **(Claims 19 and 41)** Iggylden et al. in view of Zwern discloses the system and method previously discussed, but neither reference discloses providing means for associating a profile of individual users. However, Obradovich et al. teaches providing identifying means (Personal Identification Number (PIN) Column 9, lines 9-16) for associating a profile comprising at least one of said selections with an individual user (Column 10, lines 45-53), and wherein said identifying means activates said profile such that the selections of said profile are executed upon the occurrence of a triggering event (Column 10, lines 45-53 and Column 11, lines 29-45, upon entering a PIN number the features of the respective user are adjusted accordingly).

22. (**Claims 20 and 42**) Obradovich et al. further discloses wherein said identifying means is a password comprising at least one character which is entered on said user interface (PIN, Column 11, lines 11-18)

23. (**Claims 21 and 43**) Obradovich et al. further discloses wherein said identifying means is a push button on a user interface (Column 11, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system and method of Iggylden et al. in view of Zwern with the teachings of Obradovich et al. because as Obradovich et al. teaches the PIN identification means increases security means of the vehicle and protects the user's preferences from unauthorized changes (Column 9, lines 9-16).

#### ***Claim Rejections - 35 USC § 103***

24. **Claims 22 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Iggylden et al. in view of Zwern and in further view of Obradovich et al. as applied to claim 19 above, and further in view of Obradovich et al., US Patent No. 6,703,944 (referred to as reference '944).

Iggylden et al. in view of Zwern and in further view of Obradovich et al. as previously discussed taught providing means for associating a profile with an individual user and specifically, Iggylden et al., a transfer means of data on a portable memory storage card (Column 13, lines 37-40). However, the previously discussed references do not teach wherein the identifying means is stored on a portable memory storage device card. However, Reference '944 teaches the identifying means, PIN, associated

with the user profile of preferential settings of a vehicle (Column 12, lines 18-23) is stored on a portable memory storage device card (Integrated circuit card 600, Column 11, line 61- Column 12, line 22). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system and method of Iggyulden et al. in view of Zwern and in further view of Obradovich et al. with the further teachings of Reference '944 because as reference '944 teaches storing the preference data and user identification means on the IC card increases security and consumer ease and flexibility by allowing the user to adjust vehicle settings without the entire user profile being pre-stored in that specific vehicle memory (Column 11, line 61- Column 12, line 22).



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